

AO 241 (Rev. 5/85)

PETITION UNDER 28 USC § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

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United States District Court		District <i>Wilmington Delaware</i>
Name <i>Robert R. MeadeS</i>	Prisoner No. <i>124648</i>	Case No.
Place of Confinement <i>Delaware Correctional Center, Smyrna Delaware 19947</i>		
Name of Petitioner (include name under which convicted) <i>Robert R. MeadeS, pro se.</i>		Name of Respondent (authorized person having custody of petitioner) <i>v. Ron Hosterman, et al.</i>
The Attorney General of the State of: <i>Carl Danberg</i>		
PETITION		
1. Name and location of court which entered the judgment of conviction under attack <i>Superior Court of Delaware, New Castle County</i>		
2. Date of judgment of conviction <i>April 10, 1982</i>		
3. Length of sentence <i>Twenty Two 42' yrs</i>		
4. Nature of offense involved (all counts) <i>3cts Robbery 1st Conspiracy and 1 Promoting Prison Contraband</i>		
5. What was your plea? (Check one) <p>(a) Not guilty <input checked="" type="checkbox"/></p> <p>(b) Guilty <input type="checkbox"/></p> <p>(c) Nolo contendere <input type="checkbox"/></p>		
If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details: 		
6. If you pleaded not guilty, what kind of trial did you have? (Check one) <p>(a) Jury <input checked="" type="checkbox"/></p> <p>(b) Judge only <input type="checkbox"/></p>		
7. Did you testify at the trial? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
8. Did you appeal from the judgment of conviction? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		

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FILED
OCT 3 2006
CLERK'S OFFICE OF COURT
DEPARTMENT OF DELAWARE

9. If you did appeal, answer the following:

(a) Name of court Delaware Supreme Court

(b) Result Conviction was affirmed

(c) Date of result and citation, if known On or about March 2, 1983

(d) Grounds raised Doubtless jeopardy, Identification

(e) If you sought further review of the decision on appeal by a higher state court, please answer the following:

(1) Name of court US District Court, Third Circuit Court of Appeals

(2) Result Conviction affirmed

(3) Date of result and citation, if known On or about July 1988 - Citation unknown

(4) Grounds raised Doubtless jeopardy, Identification

(f) If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to each direct appeal:

(1) Name of court _____

(2) Result _____

(3) Date of result and citation, if known _____

(4) Grounds raised _____

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes No

11. If your answer to 10 was "yes," give the following information:

(a) (1) Name of court Superior Court - New Castle County

(2) Nature of proceeding Piked With Off Mandamus on C194/05 regarding
Correction of Miscellaneous Goodtime Credits

(3) Grounds raised "Ex Post Facto Law" Article 1, § 10 of the
United States Constitution forbids any State

From passing on 'ex post facto law'

- (4) Did you receive an evidentiary hearing on your petition, application or motion?
 Yes No

(5) Result Mandamus was dismissed without prejudice

(6) Date of result May 8, 2006

- (b) As to any second petition, application or motion give the same information:

(1) Name of court Superior Court New Castle County

(2) Nature of proceeding Motion To Compel on 10/07/05 also,
Motion For Production Of Documents on 4/13/06

(3) Grounds raised Want of Mandamus pursuant to Title 11
Del C Sections 4381

- (4) Did you receive an evidentiary hearing on your petition, application or motion?
 Yes No

(5) Result Motion To Compel was proceeded, Motion For Summary

(6) Date of result After final judgment, Production Of Documents was denied
on 5/8/06

- (c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes No
 (2) Second petition, etc. Yes No

- (d) If you did *not* appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

12. State *concisely* every ground on which you claim that you are being held unlawfully. Summarize *briefly* the *facts* supporting each ground. If necessary, you may attach pages stating additional grounds and *facts* supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

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For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, you should raise in this petition all available grounds (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

A. Ground one: United States and State Constitutional Protection
guarantees Eighth Amendment Prohibits any State
From passing Ex post Facto law.

Supporting FACTS (state briefly without citing cases or law):

The Petitioner was sentenced in Superior Court
New Castle County prior to enacted Truth In Sentence
law under 11 Del.C. § 4381(c)(1) of 1989.

B. Ground two: First and Fifth Amendments guarantee Equal Protection
Clause and Right To Fundamental Fairness.

Supporting FACTS (state briefly without citing cases or law):

The Petitioner was sentence in the Superior Court New
Castle County under Promise 11 Del.C. § 4384 and is
entitled to earn 5 days a month distinctively of earn
merititious good time for work and rehabilitative programs

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C. Ground three: Protection under Due Process Clause under First 1st, Eighth 8th and Fourteenth 14th Amendment

Supporting FACTS (state briefly without citing cases or law): The Petitioner's DL Good-Time is not correct and has been miscalculated. The DL record reflects that petitioner has earned 322 days of earn meritorious goodtime, minus petitioner's "program participation" which petitioner also earns 5" days a month meritorious goodtime for distinctively from work credits.

D. Ground four: Protection under Due Process Clause under First 1st, Eighth 8th and Fourteenth 14th Amendment

Supporting FACTS (state briefly without citing cases or law): The DL record - Form 543 see, instructions. In compliance with earning programmatic credits pursuant to 11 Del.C. 4347 and 11 Del.C. 4381(c) Policy reflects that petitioner should have earned a total of 420 meritorious credits for program participation as well, not 322 days. These Program Certificates are reflected in petitioner's institution file and serve as only current documentation.

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state briefly what grounds were not so presented, and give your reasons for not presenting them:
-
-
-

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?
Yes No

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing PRO SEC

(b) At arraignment and plea

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(c) At trial NA(d) At sentencing NA(e) On appeal NA(f) In any post-conviction proceeding NA(g) On appeal from any adverse ruling in a post-conviction proceeding NA

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes No

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes No

(a) If so, give name and location of court which imposed sentence to be served in the future: _____

(b) Give date and length of the above sentence: _____

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes No

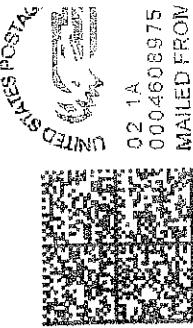
Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

9/26/06
(date)

Robert B. Meads
Signature of Petitioner



IM Robert Mendes
SBI# 124648 UNIT SHU-11

DELAWARE CORRECTIONAL CENTER

1181 PADDOCK ROAD

SMYRNA, DELAWARE 19977

*Robert Mendes District Court
840 North King Streets
Delaware Court
19801*

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Legal Mail